

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No. CR-10-38-R
)	
CHARLES ALAN DYER,)	
)	
Defendant.)	

DEFENDANT’S MOTION IN LIMINE

Comes Now the Defendant pursuant to LCrR 12.4 and requests that the Court grant a motion and that the United States be precluded from testifying or offering certain evidence in this matter.

Statements of Facts

The Defendant has been indicted on the charge of Failing to Register a Destructive Device [Title 26 U.S.C. §§5861(d), 5872, 2461(c)] After the Defendants arrest Federal Law Enforcement agents obtained information that the device in question was taken or stolen from a military base in California. There is not evidence or information to indicate that the defendant knew or should have know that the device was stolen. The Defendant has not been charged with stealing the item or concealing stolen property.

ARGUMENTS AND AUTHORITIES

Any testimony or evidence that the device in question was taken or stolen from a Military base would not be relevant to the issues or facts of this matter. Federal Rules of Evidence Rule(s) 401 and 402. The evidence would be prejudicial to the Defendant’s right to a fair and impartial trial

as this evidence could influence a jury to believe that the Defendant was involved in the theft of same. Federal Rules of Evidence Rule 403.

Wherefore premises considered the Defendant prays that the Motion in Limine be sustained and that the United States be precluded from the use of the above stated testimony or evidence.

Respectfully submitted,

/s/ David W. Hammond
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CERTIFICATE OF SERVICE

I hereby certify that on April 2, 2010, I electronically transmitted the attached document to the Clerk of Court using ECF System for filing and transmittal of a Notice of Electronic Filing to ECF registrants.

/s/ David W. Hammond
David W. Hammond